

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

KIRK WATERS and DAVID WATERS)	
as children and next of kin of)	
PATRICIA WATERS, deceased.)	
)	
Plaintiffs,)	
)	
v.)	Case No. CIV-06-266-KEW
)	
JITENDRA R. PARMAR, M.D., and)	
EMILEE WOOD, D.O.,)	
)	
Defendants.)	

OPINION AND ORDER

This matter comes before the Court on Plaintiffs' Motions in Limine filed October 15, 2007 (Docket Entry #51). Plaintiffs seek to exclude evidence encompassing the following matters from a trial of this case:

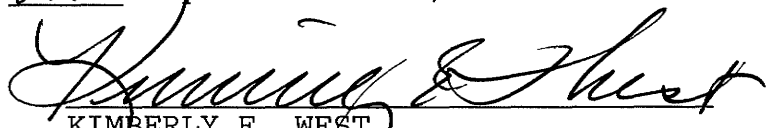
- 1) any reference to other litigation unrelated to this case which may have been filed by or against any party;
- 2) any voir dire or argument to the jury to apply the "Golden Rule" or otherwise ask a juror to put themselves in the position of a party in rendering a decision;
- 3) any argument, questioning or testimony concerning Plaintiffs' medical expert witnesses being out of state or traveling hired physician witnesses;
- 4) any reference that Plaintiffs have not called to testify any witness equally available to both parties, including not tendering, reading, or referring to any ex parte statement or report of any person not present in court to testify and be

- cross-examined by Plaintiffs' counsel or suggest what the testimony would have been of any witness not actually called;
- 5) any comment or reference to any other case in which Plaintiffs, their counsel or their law firm may have been involved;
 - 6) any reference to medical negligence lawsuits allegedly limiting access to medical care;
 - 7) any reference to the probable testimony of a witness who is absent, unavailable or not called to testify in this lawsuit; and
 - 8) any reference to the financial status or personal possessions of any of the parties.

A review of the docket maintained with the Clerk of this Court with regard to this case reveals that no response to Plaintiffs' motion was filed within the time permitted by this Court's local rules. EDOK LCvR 7.1(f). Consequently, the motion is deemed confessed, thereby entitling Plaintiffs to the relief they request.

IT IS THEREFORE ORDERED that Plaintiffs' Motions in Limine filed October 15, 2007 (Docket Entry #51) are hereby **GRANTED**. The evidence as outlined in this Opinion and Order shall not be introduced at trial in this case.

IT IS SO ORDERED this 29th day of November, 2007.


KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE